

CABINET1 AUGUST 2014

Present:- Councillor M J Page (Leader of the Council/Regeneration, Inward Investment and Asset Management) (Leader of the Council)!Councillor N W Turner (Deputy Leader of the Council/Environment and Coast Protection) (Deputy Leader of Council)!Councillor A Goggin (Finance and Transformation)!Councillor P B Honeywood (Housing and Benefits and Revenues)!Councillor L A McWilliams (Well-Being and Partnerships)!Councillor M E Platt (Tourism, Culture, Leisure and Events)

In Attendance:- Corporate Director (Public Experience) (June Clare), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Life Opportunities) (Paul Price), Monitoring Officer, (Lisa Hastings), Finance and Procurement Manager (Richard Barrett), Management and Members' Support Manager (Karen Neath), Communications and Public Relations Officer (Nigel Brown), Revenues and Benefits Manager (Harry Bates), Senior Democratic Services Officer (Ian Ford), Research and Projects Officer (Elizabeth Ridout), Democratic Services Officer (Janey Nice)

Also in Attendance:- Group Leaders Present by Invitation:

Councillors J A Broderick (Holland Residents' Group), I J Henderson (Labour Group) and M J Talbot (Independent Group)

(10.30 a.m. - 10.53 a.m.)

45.. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor G V Guglielmi (Planning and Corporate Services Portfolio Holder) and Group Leaders, Councillors P J Oxley (Tending First) and H A Shearing (Liberal Democrats).

46. MINUTES OF THE LAST MEETING HELD ON FRIDAY 4 JULY 2014

The minutes of the last meeting of the Cabinet, held on 4 July 2014, were approved as a correct record and signed by the Chairman.

47. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

48. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

There were no announcements made by the Leader of the Council.

49. ANNOUNCEMENTS BY CABINET MEMBERS

(1) Brightlingsea Music Festival

The Culture, Tourism, Leisure and Events Portfolio Holder (Councillor Platt) informed Cabinet that the Brightlingsea Music Festival, a free to the public event, would be held at the weekend.

(2) Clacton Air Show – 21 and 22 August 2014

The Culture, Tourism, Leisure and Events Portfolio Holder (Councillor Platt) was proud to announce the strongest ever line up for this year's Clacton Air Show which would include the Royal Air Force's front-line multi-purpose combat aircraft, the Typhoon. The hospitality area at the Air Show had already sold out.

He then gave a short video presentation to Cabinet on the participating aircraft and urged everyone to attend.

50. SOUTH EAST LOCAL ENTERPRISE PARTNERSHIP

Reference Report from the Community Leadership and Partnerships Committee

A.1 South East Local Enterprise Partnership

There was submitted a reference report by the Community Leadership and Partnerships Committee following its consideration on 23 June 2014 of a report detailing the priorities being pursued by the South East Local Enterprise Partnership (SELEP) with regard to its Growth Deal and Strategic Economic Plan.

Having considered the report and discussed, amongst other things, whether the District might be better off as part of the New Anglia LEP since the SELEP was so large, the Committee had made the following recommendations to Cabinet:

“(a) Cabinet looks at having a representative from the Tendring District on the SELEP Board;

(b) Tendring required targets to be developed in line with what it wanted from SELEP; and

(c) As the Council needed a team to put the projects together to be ready to present to SELEP, Cabinet consider whether resources were sufficient to carry this out.”

Having considered the Community Leadership and Partnerships Committee's recommendations it was moved by Councillor Page and RESOLVED that

(a) the responses of the Leader and Regeneration, Inward Investment and Asset Management Portfolio Holder be as follows:-

Recommendations to Cabinet from Community, Leadership and Partnership Committee

(a) Cabinet looks at having a representative from the Tendring District on the SELEP Board.

(b) Tendring required targets to be developed in line with what it wanted from SELEP.

(c) As the Council needed a team to put the projects together to be ready to present to SELEP, Cabinet consider whether resources were sufficient to carry this out.

Responses of Councillor Mick Page, Leader and Regeneration, Inward Investment and Asset Management Portfolio Holder

(a) “At the end of last year the SE LEP Board determined to reduce the number of Board members from 44 to 27 in response to concerns over the functionality of the organisation's governance. This decision was linked to proposals to establish a federal governance model (now implemented) giving more autonomy to the three counties that make up the SE LEP together with their constituent unitary, district and business partners.

Within this structure Essex has ten representatives on the SE LEP Board (five from the

business community and five from local authorities).

Specifically Tendring District Council's interests are represented by:

- Councillor Kevin Bentley (Deputy Leader and the Cabinet Member for Economic Growth and Infrastructure, Essex County Council)
- Councillor Graham Butland (Leader, Braintree District Council) – Cllr Page is the nominated substitute member
- George Kieffer (SE LEP Vice Chair and Chairman of the Haven Gateway Partnership)

Given the recent structural changes to the SE LEP Board and the way in which the District's interests are currently represented, it is extremely unlikely that the Board would countenance any further changes to its membership in order to accommodate a representative of Tendring District Council. It is felt that any attempt to secure a place on the SE LEP Board at this time is likely to be disruptive and counter-productive.

In addition, Members are asked to note that the SELEP Board has established a number of Advisory Groups that together contribute towards the Governance of the Partnership. These include: Thames Gateway Strategic Group; Transport Advisory Group; Skills Advisory Group, European Delivery Group; Rural Advisory Group; SEFUND Board Advisory Group; and Coastal Communities Group. The latter is currently chaired by the Leader of Tendring District Council, with administrative support provided via the Council's Regeneration, Inward Investment and Growth Team."

(b) "The Council's ambitions for the District economy are articulated within its Economic Development Strategy, which was approved by Cabinet and endorsed by Full Council in November 2013. These ambitions have been enunciated to the SE LEP and its appointed consultants (Shared Intelligence) and are referenced within the SE LEP's Strategic Economic Plan.

In response to the SE LEP's call for projects (linked to the preparation of its Strategic Economic Plan) the Council presented a range of project proposals, which were entirely consistent with the ambitions of its Economic Development Strategy.

In addition, Members are asked to note that Tendring District Council is working with neighbouring authorities (Colchester and Braintree); Suffolk councils as well as the Haven Gateway Partnership to promote the growth opportunities afforded by the A120 (Harwich – Stansted/M11). As a result of this work the economic potential of the A120 has been recognised within the SE LEP's Strategic Economic Plan."

(c) "The Council's Regeneration, Inward Investment and Growth Team has responsibility for preparing economic and regeneration projects, and for presenting these, as appropriate, to the SE LEP.

The Council has made provision in its HR Budgets to expand the Regeneration, Inward Investment and Growth Team and work is currently in hand to recruit three new members of staff to the team (Harwich and Dovercourt Regeneration Officer, Business Advisor, Funding Officer). I am delighted to announce that the Business Advisor starts with us on Monday 4th August and will be a very welcome addition to the team."

(b) That Councillor Page's responses be reported back to the Community Leadership and Partnerships Committee.

51. CHINESE SKY LANTERNS AND THEIR EFFECT ON THE RURAL COMMUNITY

Reference Report from the Rural Projects Panel

A.2 Chinese Sky Lanterns and their effect on the Rural Community

There was submitted a reference report by the Rural Projects Panel following its meeting held on 16 July 2014, at which, in the light of a press statement made by the Leader of the Council, the issue of 'Chinese Sky Lanterns' and their impact on rural communities, especially farmers' crops had been discussed. The Panel had decided to make the following recommendations to Cabinet:

- (i) As a matter of urgency, the Council takes all necessary steps, including the making of by-laws, to ban the use or release of lighted Chinese sky lanterns (or similar) on all land owned by Tendring District Council and promotes the responsible use of such lanterns in general across the District;
- (ii) Parish and Town Councils in the District be requested to follow the example of Great Bentley Parish Council and prohibit the use or release of lighted Chinese sky lanterns on land in their respective ownerships; and
- (iii) The Licensing Committee be requested to consider the prohibition of the use or release of lighted Chinese sky lanterns at events licensed under the Licensing Act 2003, in pursuance of the Licensing Objectives for the Prevention of Public Nuisance and the Promotion of Public Safety.

In addition, at the behest of the Panel, the Chairman of the Corporate Management Committee (Councillor Steady), had been consulted and requested, as a matter of urgency and on behalf of that Committee, to endorse the Panel's recommendations to Cabinet. Councillor Steady had given that endorsement.

It was reported that The National Farmers' Union was supporting this initiative and had provided the following quote:

"We are pleased to see Tendring District Council taking this stance on Chinese Lanterns. People who release them don't realise just how dangerous they can be - they can cause fires on an industrial scale and kill or injure farm animals. There is now a huge groundswell for something to be done. We are calling for them to be banned and we will continue to lobby Government until action is taken."

Essex County Fire and Rescue Service was also providing its support.

The Leader of the Council (Councillor Page) thanked the Rural Projects Panel for its work on this issue.

It was considered that this initiative was worthy of this Council's support.

Accordingly, it was moved by Councillor Page seconded by Councillor McWilliams and RESOLVED that

- (1) the Cabinet as a whole recognises the potential threats to crops and property posed by falling debris from Chinese Sky Lanterns; and
- (2) the Cabinet was committed to reducing those risks wherever it reasonably could and therefore determined that:
 - (a) the use or release of Chinese Sky Lanterns from Council land be prohibited with immediate effect;
 - (b) a condition be included in all future leases, licences and consents regarding events on Council land which prohibits the use or release of Chinese Sky Lanterns;
 - (c) all Town and Parish Councils be encouraged to take similar steps on their land to

prohibit the use or release of Chinese Sky Lanterns to reduce the risk of damage to crops and property;

(d) the Licensing Committee be requested to identify and take any opportunities to use the licensing legislation in pursuance of the Licensing Objectives for the Prevention of Public Nuisance and the Promotion of Public Safety to extend the prohibition of the use or release of Chinese Sky Lanterns.

(e) Officers investigate the potential for implementing an appropriate by-law (or by-laws) to embed the Council's approach; and

(f) The Council publicises its approach and promotes the responsible use of such lanterns across all parts of the Tendring District.

52. SALE OF A SECTION OF LAND AT GROVE AVENUE ESTATE, WALTON-ON-THE-NAZE

A.3 Sale of a section of land at Grove Avenue estate, Walton-on-the-Naze

There was submitted a report by the Leader of the Council and Portfolio Holder for Regeneration, Inward Investment and Growth and Asset Management, which sought the Cabinet's approval to the disposal of a section of land, managed within the Housing Revenue Account, in accordance with the Council's Property Dealing procedure. The disposal would facilitate the development of 13 properties on the former allotment site, Butchers Lane, Walton-on-the-Naze.

It was reported that the developer was in the process of obtaining planning permission to develop the site and had approached the Council as to whether it would be willing to sell a section of land in order to facilitate development of the site as other access arrangements would necessitate the demolition of an existing bungalow and the creation of a convoluted access roadway. The developer had an agreement in principle with a Registered Provider to develop the site for 100% affordable housing units. Under that agreement the Council would have nomination rights.

It was considered that this land was surplus to requirements and could be sold so as to generate a capital receipt for further Council house building.

Accordingly, it was moved by Councillor Page, seconded by Councillor P B Honeywood and RESOLVED that, subject to the Cabinet's decision on terms set out in the report at B.1 to the agenda, the disposal of the section of land at Grove Avenue, Walton-on-the-Naze, to facilitate development of Affordable Housing, or subject to an uplifted price if the development is not sold to a Registered Housing provider, be authorised, in principle.

53. THE LOCAL COUNCIL TAX SUPPORT SCHEME AND COUNCIL TAX EXEMPTIONS/DISCOUNTS FOR 2015/2016

A.4 The Local Council Tax Support Scheme and Council Tax Exemptions/Discounts for 2015/2016

The Leader of the Council (Councillor Page), following a request made by the Housing, Benefits and Revenues Portfolio Holder (Councillor P B Honeywood), informed Cabinet that this item was withdrawn.

Councillor Honeywood informed Cabinet that he had requested the withdrawal of this item following a recent adverse High Court judgement made against Sandwell Metropolitan Borough Council and its Local Council Tax Scheme (LCTSS). He had requested Officers to review whether there were any implications for this Council's LCTSS and bring back the LCTSS at a later date.

Cabinet noted the foregoing.

54. TREASURY MANAGEMENT PERFORMANCE 2013/14

A.5 Treasury Management Performance 2013/14

There was submitted a report by the Portfolio Holder for Finance and Transformation which detailed the Council's treasury management activities and Prudential Indicators for 2013/14.

The Cabinet was made aware that:

- Borrowing and investments had been undertaken in accordance with the 2013/14 Annual Treasury Strategy that had been approved by Council on 26 March 2013;
- No external borrowing had been undertaken in 2013/14 for either the General Fund (GF) or Housing Revenue Account (HRA); and
- The amount of interest earned from investments remained low because of the continuing unprecedented low interest rates existing throughout the year. However, due to maximising investment opportunities and cash flow advantages during the year interest returns were in line with the increased amount budgeted.

Having considered the report, it was moved by Councillor Goggin, seconded by Councillor Page, and RESOLVED that the Treasury Management performance position and Prudential and Treasury Indicators for 2013/14 be noted.

55. FREEHOLD DISPOSAL OF THE HAULAGE YARD AT SOUTH STRAND, LAWFORD

A.6 Freehold Disposal of the Haulage Yard at South Strand. Lawford

There was submitted a report by the Portfolio Holder for Regeneration, Inward Investment and Asset Management, which sought the Cabinet's approval to the freehold disposal of the haulage yard situated at South Strand, Lawford.

Cabinet recalled that at its meeting held on 24 January 2014, Members reached a decision (No. 2386) on the disposal of the haulage yard but that the selected purchaser had not been able to complete the purchase.

It was reported that previously, the haulage yard at South Strand in Lawford had been let on an informal licence to a haulage operator for some years and that individual had asked to purchase the freehold. Subsequently, another adjoining owner had also offered to purchase the freehold. A sealed bid process had been entered into and a winning bid identified. However, after some weeks, the winning purchaser had informed Officers that he was unable to complete the purchase and had introduced a third party to the Council as a prospective purchaser for the site.

Members were informed that a further sealed bid process, including the new party and the other bidder from the first round of sealed bids had then been carried out. The adjoining owner from the first bidding round had submitted an improved second bid and was the highest bidder in the second round.

In order to enable this matter to be finalised, it was moved by Councillor Page, seconded by Councillor Turner and RESOLVED that, subject to the Cabinet's decision on terms set out in the report at B.2 to the agenda, the freehold disposal of the haulage yard situated at South Strand, Lawford, be authorised, in principle.

56. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 13 and 14 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A, as amended, of the Act.

Chairman